

## Private Lunatic Asylums (Ireland) Bill.

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### ARRANGEMENT OF CLAUSES.

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[Bill 83.]

A

Clause.

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SCHEDULES.

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A  
B I L L

TO

Alter and amend the Law relating to Lunatic Asylums in Ireland kept for private profit, and to make other and more suitable provision for paying-patients. A.D. 1848.

**W**HEREAS by an Act passed in the thirty-eight and thirty-ninth years of the reign of Her Majesty Queen Victoria it is provided that "the Private Lunatic Asylums (Ireland) Acts, 1842 to 1874, as amended by this Act, shall, in so far as the same are temporary in their duration, be and the same are hereby made perpetual:" Preamble.  
38 & 39 Vict.  
c. 87. s. 10.

And whereas it is expedient altogether to abolish private lunatic asylums kept by individuals for profit (in Ireland), and at the same time to make more suitable provision, in asylums specially provided for the purpose, for all insane persons who are able, either from their own resources or by their relatives or friends, to pay for support, maintenance, and medical care:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by and with the authority of the same, as follows:

1. This Act may be cited as the Lunatic Asylums (Ireland) Act, 1888. Short title.

2. The term "asylums" in this Act means asylums for paying patients established under this Act. Interpretation.

The term "licensed house" means any house licensed for the reception of insane persons, in pursuance of the Private Lunatic Asylums (Ireland) Act, 1842, and the Lunatic Asylums (Ireland) Act, 1875, and kept by any person for private gain. 5 & 6 Vict.  
c. 123.

25 The term "the Lord Lieutenant" means the Lord Lieutenant or other chief governor or governors of Ireland for the time being.

The term "Lord Lieutenant in Council" means the Lord Lieutenant or other chief governor or governors of Ireland by and with the advice of Her Majesty's Privy Council in Ireland.

[Bill 83.]

A 2

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Commissioners of General Control, &c., appointed trustees for the purposes of Act.

3. *On and after the passing of this Act* the Commissioners of General Control and Correspondence, appointed under the Act eighteenth and nineteenth Victoria, chapter one hundred and nine, for the superintending and directing the erection, establishment, and regulation of all asylums for the lunatic poor in Ireland, shall be trustees for the purpose of purchasing or providing, as hereinafter mentioned, any buildings, lands, tenements, or hereditaments that may be necessary to provide suitable accommodation for the insane classes now confined in private licensed houses, or who may hereafter require to be placed in an asylum, and for repairing, enlarging, improving, upholding, and furnishing the same from time to time.

Lord Lieutenant in Council may order asylums for pay-patients to be provided.

Money may be advanced by way of loan from Church surplus fund.

4. *From and after the passing of this Act* it shall be lawful for the Lord Lieutenant in Council to order and direct that any number of asylums for pay-patients shall be provided or erected in such suitable localities as to the said Lord Lieutenant in Council shall seem expedient.

5. It shall be lawful for the Lord Lieutenant in Council, with the approval of the Lords Commissioners of Her Majesty's Treasury, to order and direct that such sum or sums of money shall be advanced, issued, and paid out of the Church surplus fund as shall be requisite for defraying the expenses of purchasing the necessary sites for erecting and furnishing such asylums, and supplying all requisites and appliances to fit them for the reception and treatment of patients, to such person or persons as shall be named in any such Order in Council, or into the Bank of Ireland to the credit of the Commissioners of General Control, to be by them paid and applied for the purposes aforesaid.

Commissioners of General Control, &c., may purchase premises and sites.

6. In each and every case in which an Order in Council for the provision or erection of an asylum for pay-patients shall have been made as aforesaid, and published in the Dublin Gazette, the said Commissioners for General Control shall have full power and authority to rent or purchase any houses, buildings, lands, tenements, or hereditaments, on the site or sites of which it shall be proposed to erect or establish such asylum; and any houses, lands, tenements, buildings, or hereditaments so rented or purchased shall and may be conveyed to the said Commissioners, or any three of them, and to their successors, in trust to and for the uses and purposes of the said asylum.

Lands Clauses Consolidation Act incorporated with this Act.

7. In order to enable the said Commissioners of General Control to purchase or provide the said buildings, lands, tenements, and hereditaments, the Lands Clauses Consolidation Act, 1845, shall

be incorporated with this Act, except the clauses with respect to the purchase and taking of lands otherwise than by agreement.

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8. It shall be lawful for the Lord Lieutenant in Council, after any asylum provided, erected, or to be erected under this Act shall be fit for the reception of patients, with the approval of the Lords Commissioners of Her Majesty's Treasury, to order and direct that any sum or sums of money that may be required to make provision for their maintenance therein until such time as the funds derivable from the payments by or on behalf of the patients themselves become available, shall be advanced, issued, and paid from the same source and in the same manner as herein-before provided in regard to the expenses of erecting and furnishing such asylums.

How moneys may be provided in the first instance for maintenance of patients.

9. It shall and may be lawful for the Lord Lieutenant in Council to nominate and appoint such persons as he shall think fit and proper to be superintendent, resident physician and surgeon, visiting physician, chaplains, matron, clerk, storekeeper, or other officer of any and every such asylum, and to fix their salaries and allowances, and also to make, frame, and establish any rules and regulations which may be necessary or proper for the good conduct and management of the said asylums, and to prescribe the manner in which the accounts and all other necessary records not otherwise provided for by this Act shall be kept, and the forms in which statistical returns shall be furnished to the inspectors, and from time to time to revoke, alter, or amend such rules and regulations.

Appointment of officers.

10. Whenever and as soon as it shall have been declared by order of the Lord Lieutenant in Council, which order shall be published in the Dublin Gazette, that sufficient asylum accommodation is provided under this Act for the inmates at present detained in private houses licensed under the Act fifth and sixth Victoria, chapter one hundred and twenty-three, the said Act shall be and the same is hereby repealed; and it shall not be lawful thenceforth to receive or detain any insane person in any such house.

Repeal of 5 & 6 Vict. c. 123.

11. Whenever an asylum erected under this Act shall be fit and ready for the reception of patients, the inspectors of lunatics shall, with the approval of the Lord Lieutenant, or, in the case of patients detained by order of the Court of Chancery, with the approval of the Lord Chancellor, direct the removal of any such patients from any house licensed under the Act fifth and sixth Victoria, chapter one hundred and twenty-three, to such asylum; and it shall be lawful for the said inspectors, or the officer or officers appointed by them for that purpose, with the approval of

Reception of patients under the approval of the Lord Lieutenant or Lord Chancellor.

A.D. 1888.

the Lord Lieutenant, to enter into such contract or agreement with the next friend or legal representative of the insane person as they may think fit, for the support, maintenance, and medical care of such person in such asylum.

Persons admitted into an asylum under this Act may, if not possessed of sufficient means, be removed to a district asylum. 38 & 39 Vict. c. 67. s. 16.

12. If it shall be found that any person received into an asylum under this Act is not possessed of sufficient means to pay the amount agreed upon for the support, maintenance, and medical care of such person, or if the relatives or friends who may have entered into any engagement to pay on behalf of such person fail to do so in due and proper time, it may be lawful for the Lord Lieutenant to order and direct that such person shall be removed to the district lunatic asylum established for the district to which it shall appear to the said Lord Lieutenant that the said person properly belongs, and to determine to which county or county of a city or town comprised in such district the maintenance of such person in the district asylum shall be charged; and every such person when so removed shall be regarded and treated in all respects as if he or she had been admitted into such asylum as an ordinary patient, and may be by the governors thereof discharged or placed under the care of relatives or friends in the same manner as any ordinary patient. Nothing in this clause shall prevent any property of the lunatic being made available for support and maintenance under the sixteenth section of the Act of the thirty-eighth and thirty-ninth Victoria, chapter sixty-seven.

Monies received for the maintenance of lunatics to be a common fund.

13. The receipts from all the asylums provided, erected, or established under this Act shall be regarded as a common fund, out of which the establishment charges, cost of maintenance, repairs, additions, and all other working expenses shall be paid, the excess to be applied for paying off the original advances, with interest at per cent., made under the fifth section of this Act, in such manner as the Lord Lieutenant in Council, with the approval of the Lords Commissioners of Her Majesty's Treasury may direct.

Application of surplus.

When a surplus is found to exist after payment out of the common fund of all expenses whatsoever, the charges for maintenance in the asylums provided, erected, or established under this Act shall be reduced to such an amount as will suffice to cover the working expenses, leaving a sufficient margin to meet contingencies.

Order and medical certificates for the admission of patients.

14. No person shall be received into or detained in an asylum under this Act without an order under the hand of the person by whose direction such insane person shall have been sent, which order shall be according to the form in Schedule A. annexed to this Act. Nor shall any person be received into or detained as

A.D. 1858.

aforesaid without the certificates of two medical practitioners duly  
 qualified as physicians or surgeons, according to the form in  
 Schedule B., who shall have separately visited and personally  
 examined the patient not more than four clear days previous to  
 5 such confinement. If from reasonable cause a patient cannot be  
 examined by two medical practitioners previous to admission, the  
 special circumstance that prevented such examination shall be  
 stated, and a second certificate signed by some other medical  
 practitioner, who shall have examined the patient within two clear  
 10 days after admission, shall be given, and a copy thereof transmitted  
 to the inspectors. The particulars to be entered in a book kept  
 for the purpose, according to the form in Schedule C., which book  
 shall not be available to any person but the chief officer, the  
 physician or surgeon, the officer who keeps the register, any person  
 15 authorised by the Lord Chancellor, and the inspectors or a person  
 authorised by them.

A copy of the order and medical certificates shall be transmitted  
 to the inspectors of lunatics within two clear days after the admis-  
 sion of a patient.

Copy of order  
 and medical  
 certificates to  
 be sent to  
 inspectors.

20 15. A register of discharges and deaths in the form according to  
 Schedule D. shall be kept, and notice of the escape, removal, or  
 death of every patient, with full particulars of the circumstances in  
 each case, shall be transmitted to the inspectors in writing within  
 two clear days after the event.

Register of  
 discharges  
 and deaths.

25 A medical journal according to form in Schedule E. shall be  
 kept.

Medical  
 journal.

30 16. When a patient is considered by the medical officers fit to  
 be discharged, they shall record the fact in writing in the medical  
 journal of the asylum, and the person who has signed the order for  
 admission shall thereupon be required to remove the patient within  
 four clear days.

Removal of  
 patients  
 when fit to be  
 discharged.

If the person who has signed the order as aforesaid fails to  
 remove the patient within the specified time, the chief officer of the  
 asylum shall take such steps for the discharge of the patient as the  
 35 circumstances of the case may seem to justify.

The person who has signed the order for the admission of a  
 patient, or anyone acting by the authority and on behalf of such  
 person, may at any time, on application, obtain the release of the  
 patient, provided the liabilities incurred for support and main-  
 40 tenance under the eleventh section of this Act have first been fully  
 discharged.

The person  
 on whose  
 authority a  
 patient is  
 confined may  
 claim their  
 release at  
 any time.

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Visitations  
and authority  
of inspectors.  
Annual re-  
ports to Lord  
Lieutenant  
and Lord  
Chancellor  
to be pre-  
sented to  
Parliament.

17. Every asylum provided, erected, or established under this Act shall be visited by one of the inspectors of lunatics once at least in every three months, who shall exercise the same inspectorial functions in regard to it as are provided under the Act eighth and ninth Victoria, chapter one hundred and seven, for all other insti- 5  
tutions in which insane persons are located, and shall report annually to the Lord Lieutenant and the Lord Chancellor for the time being respectively on all matters relating to the asylums under this Act and their inmates, such reports, save in so far as they may refer to the private affairs or identity of any of the inmates, to be 10  
printed in the annual report of the inspectors to be presented to Parliament.

Inspectors to  
consider  
cases to  
which their  
attention  
may be  
drawn, and  
make entry  
in patients  
book.

18. The said inspectors respectively visiting any such asylum shall carefully consider and give special attention to the state of mind of any patient therein confined as to the propriety of whose 15  
detention he shall have cause to doubt, or as to whose sanity his attention shall be specially called by the patient or any other person, and shall, if he shall think the propriety of the detention of such patient requires further consideration, make a minute thereof 20  
in the patients book.

Inspectors  
may make  
special  
visits, and  
after two  
such visits  
may, subject  
to certain  
restrictions,  
liberate a  
patient.

19. Any such inspector, in case he shall doubt the propriety of the detention of any patient under this Act, shall make a special visit to such patient, accompanied by the medical officer, or, if more than one, the principal medical officer of the nearest district lunatic asylum, on such day and hour as he shall think fit; and if after 25  
two distinct and separate visits so made it shall appear that such person is detained without sufficient cause, they may give such orders as to them shall seem meet for the discharge of such person at such time as the circumstances of the case may seem to justify: Provided always, that the result of each special visit shall be entered 30  
in writing in the patients book; and such entry, and also the order for discharge, shall be signed by such inspector and medical officer: Provided also, that each of such special visits must be by the same inspector and medical officer.

Notice of  
special  
visits.

20. Provided also, that not less than fourteen days shall inter- 35  
vene between the first and second of such special visits, and that such inspector shall, previous to the second of such special visits, give not less than ten days notice thereof to the person by whose authority such patient was received into the asylum or is then detained therein, such notice to be by letter, signed by such 40  
inspector.



21. No person, except a guardian or relative, who does not derive any profit from the charge, or a committee appointed by the Lord Chancellor, or a person with whom such insane person shall be placed by such committee, shall, under pain of being deemed guilty of misdemeanor, receive to board or lodge in any private house or take the care or charge of any insane person, after the Act fifth and sixth Victoria chapter one hundred and twenty-three shall have been repealed under this Act.

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Insane persons not to be received into a private house, with certain exceptions.

In every case in which an insane person shall be received or taken charge of by such guardian, relative, or committee, medical certificates according to Schedule B. shall be obtained by the person in charge of the lunatic, copies of which, together with a statement of particulars according to Schedule A., shall be transmitted to the inspectors within four clear days after the medical certificates have been signed. In no case shall more than one person (except insane members of the same family) be so received or taken charge of. The inspectors shall exercise the same powers in regard to such patients as they possess in regard to other insane persons under this Act.

22. For the better enabling the said inspectors to inquire into the several matters and things by this Act referred to them, it shall be lawful for the said inspectors or either of them, from time to time, as they respectively shall see occasion, to require by summons, according to the form in Schedule F. annexed to this Act, any person to appear before them or either of them to testify the truth touching any matters relating to the execution of the powers given by this Act, on oath or affirmation, which oath or affirmation either of the said inspectors is hereby empowered to administer.

Inspectors may summon witnesses.

23. If any person, upon any examination under the authority of this Act, shall wilfully give false evidence, he shall, on being convicted thereof, suffer the pains and penalties of perjury; and if any person shall refuse or wilfully neglect to attend in obedience to any such summons, or to give evidence, when duly summoned, every person so offending shall be deemed guilty of a misdemeanor.

Penalties for giving false evidence, &c.

24. The delivery of any summons authorised to be issued by any inspector under this Act to any party to whom such summons shall be directed, or at his place of abode, to his wife, or to any child or servant of such party, being of the age of sixteen years or upwards, shall in all cases be deemed good and sufficient service of such summons.

Service of summons.

A.D. 1888.

Penalties re-  
coverable by  
civil bill.

Asylums not  
kept for  
profit ex-  
empted from  
operation of  
Act.

Lord Chan-  
cellor's  
authority  
unaffected.

25. Every pecuniary penalty imposed under or by virtue of this Act may be recovered by civil bill by any person who shall sue for the same.

26. Nothing in this Act contained shall extend to any institution for the insane supported wholly or in part by voluntary contri- 5  
butions, and not kept for profit by any private individual; but the  
inspectors shall have full power to visit, inspect, and report on such  
institutions, and to call for all such information and returns in  
regard to them and their inmates as they may deem necessary.

27. This Act shall not in any way interfere with or affect the 10  
authority vested in the Lord Chancellor under the provisions of the  
Lunacy Regulation (Ireland) Act, 1871.

SCHEDULES.

A.D. 1888.

SCHEDULE A.

Sir,

Upon the authority of the following statement, and the annexed medical  
 5 certificates, I request you will receive the said \_\_\_\_\_ as a patient  
 into \_\_\_\_\_ asylum

I am, Sir,

Your obedient servant,

Name - - - - - \_\_\_\_\_  
 10 Occupation (if any) - - - - - \_\_\_\_\_  
 Place of abode - - - - - \_\_\_\_\_  
 Degree of relationship (if any) to the insane } \_\_\_\_\_  
 person - - - - - }  
 To \_\_\_\_\_

15 STATEMENT OF PARTICULARS.

If any particulars in this statement be not known, the fact to be so stated.

1. Name of patient with Christian }  
 name at length - - - }
2. Sex and age - - - - -
- 20 3. Married, single, or widowed -
4. Condition of life and previous }  
 occupation (if any) - - - }
5. Religious persuasion so far as known
6. Previous place of abode - - -
- 25 7. Place where found and examined
8. Whether first attack - - -
9. Age (if known) on first attack -
10. When and where previously }  
 under care and treatment - }
- 30 11. Duration of existing attack -
12. Supposed cause - - - - -
13. Whether subject to epilepsy -
14. Whether suicidal - - - - -
15. Whether dangerous to others -
- 35 16. Whether found lunatic by in- }  
 quisition, and date of commis- }  
 sion or order for inquisition - }
17. County and parish to which the }  
 lunatic belongs - - - }

[83.]

B 2

A.D. 1888.	18. Special circumstances (if any)	}	5
	preventing the patient being examined before admission separately by two medical practitioners - - -		
	19. Christian name and surname and place of abode of nearest known relative of the patient, and degree of relationship, if known, and whether any member of patient's family is known to be or to have been insane - - -	}	10
	I certify that to the best of my knowledge the above particulars are correctly stated.		15
	Dated this                      day of                      one thousand eight hundred		
	and		
	Name		
	Occupation (if any)		
	Place of abode		20
	Degree of relationship or other circumstances of connexion with the patient - - -	}	

### SCHEDULE B.

I, the undersigned, hereby certify, that I separately visited and personally examined	the person named in the annexed statement and	25
order, on the	day of	one thousand eight hundred
and	and that the said	is of unsound mind, and a
proper person to be confined.		
(Signed)	Name - - -	30
	Physician or surgeon - - -	
	Place of abode - - -	
I, the undersigned, hereby certify, that I separately visited and personally examined	the person named in the annexed statement and	35
order, on the	day of	one thousand eight hundred
and	and that the said	is of unsound mind, and a
proper person to be confined.		
(Signed)	Name - - -	
	Physician or surgeon - - -	
	Place of abode - - -	40

**SCHEDULE C.**

## REGISTER OF PATENTS.

[illegible]

### SCHEDULE D.

#### REGISTER OF DISCHARGES AND DEATHS.

Date of Discharge or Death.	Date of last Admission.	No. in Register of Patients.	Christian and Surname at Length.	Sex.	Discharged.						Died.	Assigned Cause of Death.	Age at Death.		Observations.	
					Recovered.		Entered.		Not improved.							
					M.	F.	M.	F.	M.	F.			M.	F.		M.

### SCHEDULE E.

#### FORM OF MEDICAL JOURNAL.

Date.	Number of Patients.		Names of Patients under Restraint, and by what Means; and under Seclusion, and for what Period.		Names of Patients under Medical Treatment.		Report on State of Health of Patients, and Condition of Asylum.
	M.	F.	Males.	Females.	Males.	Females.	

## SCHEDULE F.

A.D. 1858.

## FORM OF SUMMONS.

We, whose names are hereunto set and seals affixed, being inspectors, or an  
 inspector, appointed under an Act passed in the \_\_\_\_\_ year of the  
 5 reign of \_\_\_\_\_ intituled "An Act to alter and amend the Law relating  
 " to private Lunatic Asylums in Ireland," do hereby require you personally to  
 appear before us, or me, at \_\_\_\_\_ in the parish of \_\_\_\_\_ in the  
 county of \_\_\_\_\_ on \_\_\_\_\_ next the \_\_\_\_\_ day of \_\_\_\_\_  
 at the hour of \_\_\_\_\_ in the \_\_\_\_\_ moon of the same day, then and there  
 10 to be examined, and testify the truth touching certain matters relating to the  
 execution of the said Act.

Given under our hands this \_\_\_\_\_  
 in the year of our Lord \_\_\_\_\_

To \_\_\_\_\_

Private Lunatic  
Asylums (Ireland).

A

B I L L.

To alter and amend the Law relating to  
Lunatic Asylums in Ireland kept for  
private profit, and to make other and  
more suitable provision for paying-  
patients.

(Prepared and brought in by  
Mr William O'Brien, Mr Dalton, Mr J. F. Power,  
Mr Conboy, and Mr Nolan.)

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